IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

CRIMINAL APPLICATION NO. 4502 OF 2004

IN

CRIMINAL APPEAL NO.1249 OF 2004

Virji Ganesh Patel .. Applicant

versus

State of Maharashtra .. Respondents

...

Mr.D.S. Manerkar for the applicant.

Mr.A.M. Shringarpure, APP for the respondents.

CORAM : V.M. KANADE, J

DATED : 29th November 2004.

P.C:-

1. Heard the learned counsel appearing on behalf of the applicant and the learned APP appearing on behalf of the State.

2. The applicant is convicted by the trial Court for having committed an offence punishable u/s.398, 393 of the IPC r/w sec.34 of the IPC and sec.307 r/w sec.34 of the IPC as also u/s.3 r/w 25(1)(b)(a), 27 and 35 of the Indian Arms Act and sentenced to suffer RI for seven years. The applicant is in jail since 13th December 2000. The prosecution case is that the applicant with two others entered a shop where he was previously working and tried to commit a dacoity by pointing a chinese made revolver at the owner of the shop. However, he was apprehended by the other workers and he was injured. In the said assault, the revolver was seized. The other two alleged accomplices escaped. The applicant himself was seriously injured in the said incident. The prosecution has not examined the doctor to prove that the other workers were injured in the said incident. The applicant in his statement u/s.313 has stated that he had gone to the factory to demand his dues when he was assaulted by the workmen. The applicant is already in jail since 13th December 2004.

3. In my view, this is a fit case where the applicant is entitled to be released on bail. The applicant be released on bail in the sum of Rs.5,000/-

with one or two sureties in the like amount. The applicant however shall not enter the jurisdiction of Dahisar Police station. He shall report to the nearest police station from his new residence. Before being released on bail, the applicant shall give his new address to the Superintendent.

V.M. KANADE, J